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Fifty-fifth session
Agenda items 72 and 83

Prevention of an arms race in outer space

International cooperation in the peaceful uses of outer space

Letter dated 26 April 2001 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the texts of the messages from the President of the Russian Federation, Mr. Vladimir Putin (annex I), and the Speaker of the State Duma of the Federal Assembly of the Russian Federation, Mr. Gennady Seleznev (annex II), welcoming the participants in the International Conference on the Prevention of the Militarization of Outer Space held in Moscow from 11 to 14 April 2001.

I should be grateful if you would have the text of this letter and its annexes circulated as a document of the General Assembly under agenda items 72 and 83.

(*Signed*) S. **Lavrov**

01-35304 (E) 300401 300401

Annex I to the letter dated 26 April 2001 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

Message from the President of the Russian Federation, Mr. Vladimir Putin, welcoming the participants in the International Conference on the Prevention of the Militarization of Outer Space

(Moscow, 11-14 April 2001)

I welcome the participants in the International Conference on the Prevention of the Militarization of Outer Space.

Your representative forum has met on the threshold of an important date: the fortieth anniversary of the first manned space flight. That pioneering flight by Yuri Gagarin was an event of worldwide significance and a testimony to the power of the human mind.

All international experience in outer-space activities confirms the need for a careful and responsible approach to the exploration of outer space. We must work together to ensure that it remains peaceful, both for ourselves and for generations to come. I am convinced that there must be no weapons in outer space.

The overwhelming majority of States Members of the United Nations are now in favour of preventing an arms race in outer space. We must move on to practical steps to that end. The Russian Federation is ready as of now to begin preparing those steps. I call upon the other space Powers to associate themselves with this initiative.

Also of great importance in preventing an arms race in outer space will be to increase the extent to which the military outer-space resources of various States are used to promote the solution of social and economic problems by the world community.

I sincerely hope that the work of the participants in the conference will be fruitful, and I look forward to its making an important contribution to the common cause of space exploration in the interests of peace and international security. I wish you good health, happiness and prosperity.

Annex II to the letter dated 26 April 2001 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

Message from the Speaker of the State Duma of the Federal Assembly of the Russian Federation, Mr. Gennady Seleznev, welcoming the participants in the International Conference on the Prevention of the Militarization of Outer Space

(Moscow, 11-14 April 2001)

I welcome you on the occasion of the holding of the International Conference on the Prevention of the Militarization of Outer Space.

A comprehensive resolution of the issues relating to the prevention of an arms race in outer space affects the interests of all States without exception. There is thus a pressing need for the further development of the international legal basis for ensuring that the road towards militarization of outer space is closed. The attention of Russian parliamentarians is focused on this issue.

The utilization of outer space for peaceful purposes represents a serious step forward in solving the world's problems in the fields of economic, social and cultural development.

The high cost of space exploration is a difficult problem, even for economically powerful States. In this regard, the State Duma of the Federal Assembly of the Russian Federation welcomes the conclusion of international bilateral and multilateral talks on cooperation in the field of outer space. The Russian Federation is open to broad international collaboration in space exploration — all the more so because it is a field in which we have proposals to make and achievements to be proud of.

I wish the participants in and guests at the conference great success in their important and responsible work in the interests of peace and worldwide security.

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General Assembly
Fifty-fifth session
Agenda items 20 (d) and 46

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan

The situation in Afghanistan and its implications for international peace and security

Security Council
Fifty-sixth session

Letter dated 26 April 2001 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith a document entitled "The conceptual approaches of Kazakhstan to resolving the situation in Afghanistan" (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as an official document of the Security Council and of the General Assembly, under agenda items 20 (d) and 46 of its fifty-fifth session.

(*Signed*) Madina B. **Jarbussynova**
Permanent Representative of the
Republic of Kazakhstan to the United Nations

01-35361 (E) 030501 030501

Annex to the letter dated 26 April 2001 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General

The conceptual approaches of Kazakhstan to resolving the situation in Afghanistan

An analysis of the situation that is developing in Afghanistan shows that it is continuing to remain complicated and unpredictable, that there has been no significant progress in settling the conflict, and that the efforts made by the United Nations, the Organization of the Islamic Conference (OIC) and other interested countries have not led to the desired results.

The ongoing war, the transformation of Afghanistan into one of the largest world centres for the production and export of narcotic drugs, the concentration in that country of an enormous amount of weapons, and the existence of centres for training terrorist groups are contributing to the increase in tension in the region and represent a real threat to the stability and security of Central Asia and the entire world community.

At the same time, it should be recognized that the lack of positive results in bringing about an Afghan settlement is linked to the determination of the warring Afghan sides to settle the conflict solely by military means and also the unwillingness of the States concerned, having abandoned their geopolitical ambitions, to address the Afghan problem in real earnest. The trend towards an escalation of the military and political situation in Afghanistan as well as the instances in which military and other assistance has been provided to the warring Afghan groups by individual States in the region are evidence of this.

In this connection, Kazakhstan bases its position on the following conceptual approaches to resolving the situation in Afghanistan.

1. Kazakhstan fully supports the Secretary-General's position with regard to Afghanistan that the incursions in 1999 and 2000 by Islamic fighters into the territory of Central Asian countries once again underscore the danger of the spread of a conflict and the need for a comprehensive approach, not a partial one, to settling the Afghan crisis.

In this connection, Kazakhstan advocates the strict implementation of the General Assembly and Security Council resolutions on Afghanistan as well as the statements by the President of the Security Council on the situation in Afghanistan demanding the non-interference in its internal affairs and the halting of the delivery of weapons to the warring Afghan groups.

Concerned about this state of affairs, the President of Kazakhstan, N. A. Nazarbayev, during the Millennium Summit of the United Nations in September 2000, called for the convening of a special meeting of the Security Council devoted to a consideration of the situation in Afghanistan and Central Asia in order to develop practical measures for stabilizing it.

Kazakhstan views such a meeting not as a single act. It is clear that such a highly complicated problem as Afghanistan cannot be solved by simply holding a meeting, even of such an elevated forum as the United Nations Security Council. We

consider the convening of a special meeting of the Security Council on the situation in Afghanistan as a preliminary step leading to the beginning of a process in which the international community takes a number of large-scale, comprehensive political, economic and humanitarian measures. In our opinion, such a meeting would enable the countries concerned to take a new look at the Afghan problem, highlight the defects and shortcomings of what has been done by the international community, and also indicate further possibilities for ensuring that the process of resolving the situation in Afghanistan is carried out through peaceful means. It is important for this process to be conducted with the strict and ongoing monitoring of the Security Council. This will be a serious signal for all Afghan groups that the world community, under the auspices of the United Nations, intends to deal comprehensively and in real earnest with the Afghan problem until it is completely solved. This will also demonstrate the firm intention of the community of nations to allocate the necessary economic and financial resources for these purposes.

In our view, good political will on the part of all participants in the peace process is a mandatory requirement for creating a constructive atmosphere at such a meeting. Otherwise, any attempts by the international community to settle the conflict will meet with failure.

2. Kazakhstan considers that the efforts by States must be aimed at instilling in the Afghan people hope that the world community will be able to provide large-scale assistance in restoring the economy of Afghanistan, which has been destroyed by war. It is, therefore, extremely important that the neighbouring countries and interested countries strictly adhere to the principles set forth in the Tashkent Declaration on the results of the meeting of the six-plus-two group, which calls upon the neighbouring countries of Afghanistan that are members of the group to prohibit the transit through their territory of military, technical and material assistance for the warring Afghan groups.

3. Kazakhstan believes that individual measures — either an embargo on the delivery of weapons or sporadic actions to combat drug trafficking — will not have a long-term effect. These measures must become an integral part of a general plan for the economic rehabilitation of Afghanistan, which, together with an immediate ceasefire between the warring Afghan groups and the provision of international economic assistance, would include such elements as using the potential of Afghanistan's economic, political and intellectual elite which has emigrated from the country, establishing a system of State administration, reviving the ability of the peoples of Afghanistan to deal with their own problems, and solving the problems related to education, health care and restoring the historical and cultural heritage.

Accordingly, considering that Afghanistan at the current time has become a transitional political entity whose fate practically depends entirely on the correlation of interests and the degree to which foreign political figures are involved in its affairs, Kazakhstan believes that all interested States, including the member countries of the six-plus-two group (China, the Islamic Republic of Iran, Uzbekistan, Pakistan, Turkmenistan and Tajikistan plus the United States of America and the Russian Federation), the States members of the European Union (first and foremost, Germany, France, the United Kingdom of Great Britain and Northern Ireland, Italy and Sweden), a number of countries from the Asia region (Japan, Turkey, Malaysia, Indonesia and India), the group of Arab States (first of all,

Saudi Arabia and Egypt), other countries from the Central Asian region (including Kazakhstan and Kyrgyzstan), the international financial institutions and the United Nations specialized agencies, funds and programmes (the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the World Health Organization and so forth), and also other regional and international organizations, including the Organization of the Islamic Conference and the Organization for Economic Cooperation.

Furthermore, taking into account the international community's lack of a complete picture as to what is happening in Afghanistan, it is also necessary to use the mechanisms of the Rome, Bonn, Cyprus peace groups and other Afghan public organizations situated abroad in order to unify the database on Afghanistan and have a positive effect on the process of reactivating negotiations between the warring Afghan groups and of establishing a highly responsible Government in the future.

We welcome overall the idea of holding in Afghanistan a meeting of the *Loya Jirga*, the Council of Elders of the Afghan tribes, which in the past played an important role in the life of Afghan society and fulfilled the function of a body that regulated relations between the various tribes of the country. At the same time, this initiative should be developed in isolation from and independent of any narrow political, national or other interests on the part of the States involved in the peace process and interested States.

Obtaining a complete picture and information with regard to Afghanistan and the processes, measures, groups and so forth that are influencing the situation in the country is a most important task. Carrying out this task will enable the world community to work out adequate measures based on the real state of affairs. It is obvious that such a database must be concentrated in the United Nations.

4. Kazakhstan is firmly convinced that all international efforts to resolve the situation in Afghanistan must be conducted under the auspices of the United Nations, which is an impartial mediator in the process of achieving peace and national harmony in Afghanistan. In this connection, Kazakhstan fully supports the efforts of the Special Representative of the Secretary-General for Afghanistan, Mr. F. Vendrell, and the activities of the United Nations Special Mission to Afghanistan and is ready to continue to provide them with the necessary assistance.

Kazakhstan believes, in this connection, that in order to achieve positive and practical results in resolving the situation in Afghanistan, the activities of the Special Mission and the six-plus-two group must be aimed at addressing the issues relating to openness and a readiness to take the initiative in their work, an adequate assessment of the military and political situation developing in the country, and devising a clear United Nations strategy with respect to the principles, means and forms of the Afghan settlement.

Today's realities require the international community to find new approaches to the assessment of the military and political situation and the geopolitical situation in the Central and South Asian region and develop an essentially new conception of the Afghan settlement, which must reflect the main causes of the conflict in Afghanistan, identify the internal and external forces supporting the warring parties and consider the possible consequences of the confrontation on a regional and international scale. Such a conception must include a programme, forms and

mechanisms for international intervention and the mobilization of financial and material resources.

It must include, if necessary, time limits for conducting peacemaking activities aimed at pushing the warring parties towards peace and measures for exerting influence on violators of the rules established for the period of the international community's intervention. There can be no doubt that, until such measures are adopted, interested countries must bring strong pressure to bear on the Afghan groups and factions under their control to force them to sit down at the negotiating table without any preconditions.

We are strongly convinced that it must be in the interest of the international community to have at the helm in Afghanistan a multi-ethnic, broadly representative and responsible Government that would fully guarantee internal security and stability, control the processes of the internal reconstruction and development of all spheres of life in Afghanistan and also ensure the conduct of a highly responsible foreign policy within the framework of a civilized dialogue with all countries on the basis of generally recognized international norms.

What Afghanistan will be — an Islamic or a secular State — is, in the final analysis, for Afghans themselves to decide. They must elect a government in the country without intrigues or outside interference. In pursuing such a policy, the international community must not show preference to one or other faction or group in Afghanistan, but instead should create the most favourable possible external conditions for launching a broad and comprehensive national dialogue in Afghanistan on the basis of the clear prospects of an all-round plan for the political, social and economic rehabilitation of Afghanistan.

5. While it welcomes overall the activities of the Afghanistan sanctions committee, Kazakhstan also supports a carefully thought out approach to the issue of introducing additional measures against the Afghan group known as the Taliban movement. Kazakhstan believes that sanctions, introduced as a necessary measure, must be justified by their ends. Precisely for that reason, the Security Council, before adopting additional measures, must carefully evaluate the impact of the sanctions currently in force on all aspects of resolving the situation in Afghanistan, and, first and foremost, their unintended consequences for the civilian population.

Experience shows that imposing tougher sanctions against the Taliban adversely affects the peace process and complicates the prospects for an intra-Afghan dialogue under United Nations auspices.

6. In future, Kazakhstan is ready to officially recognize a Government of Afghanistan that will be capable of truly uniting the Afghan people around it, ensuring respect for the rights and freedoms of all the nationalities in Afghanistan, addressing the country's internal problems responsibly and conducting a peaceful foreign policy.

Kazakhstan has no preconceived attitude towards any group or faction in Afghanistan. The coming to power in Afghanistan of the Taliban or their adversaries will not signify the arrival of the long-awaited peace in that country.

At the present time, however, more than 90 per cent of the country is formally under Taliban control. In this situation, it would be preferable to gradually move away from refusing all contact with them and to establish contacts with the

movement's leaders with a view to the possibility of convincing them to set about forming a responsible Government.

The Taliban's lack of official recognition must not be an obstacle to establishing contacts with the movement, which constitutes a real political force in Afghanistan and an integral or, in any case, a potential element of any future plan for the internal political reconstruction of the country. In this context, it makes sense to establish a direct dialogue with the Taliban at both the bilateral and multilateral levels, with mandatory observance of the international sanctions currently in force and the moratorium on official diplomatic recognition, which can be lifted only in exchange for flexibility on the part of Taliban with regard to fulfilling the demands of the international community. As stated above, all factors of political influence must be brought into play to that end, with the involvement of the aforementioned countries and organizations and of Afghan emigrés. The Taliban must see clearly and realize the advantages and prospects of cooperating with the international community and securing from it the necessary guarantees. The establishment of a dialogue precisely on this basis will, in our opinion, help to overcome the deadlock in dealing with the Afghan problem.

7. An analysis of the activities of the world's leading mass media shows that, as a result of the information vacuum that has formed around Afghanistan, the resources of the international community are being spent to address problems in other regions of the world, which are being given priority based on the political and economic interests of the key Powers. Kazakhstan wishes to emphasize, in this connection, the importance of filling this vacuum and actively moving the Afghan problem into the focus of the international community's attention through the world's leading mass media. The presentation of this problem must be balanced and show the unanimous desire of the world community to achieve the earliest possible settlement of the conflict, without a hint of preference for one group or another in Afghanistan. In other words, information on Afghanistan must be as objective as possible. The United Nations Department of Public Information must play its part in this area, as must the information agencies under its control, by developing an image strategy for drawing the attention of the international community to the problems of Afghanistan and accurate and regular reporting on the events taking place in that country.

8. Kazakhstan, in an expression of its good will, is prepared to assist as a mediator in reactivating the negotiating process. We are ready, in this connection, to organize a round of peace talks between the warring Afghan groups in Almaty. In making this proposal, Kazakhstan is not pursuing any political ambitions, nor has it any intention of competing with other States on this issue.

Kazakhstan does not aspire to leadership in the Afghan peace process and considers that such talks can take place in any State acceptable to the parties to the negotiations. The main criterion must be the agreement of the warring Afghan groups, in principle, to sit down at the negotiating table without preconditions and with a clearly agreed agenda for the talks.

Kazakhstan is also putting forward for discussion the idea of holding a high-level meeting of States and groups with real influence on the situation in Afghanistan for the purpose of discussing the regional situation. We believe that the most important condition for creating a constructive atmosphere of trust at such a meeting has to be an informal and open exchange of views on the whole range of

problems relating to Afghanistan, with no rigid agenda and without the adoption of any final documents or political or other statements on the issues discussed. We are prepared to hold such a meeting in Almaty. The rank of the participants in the meeting could initially be fixed at the level of experts, but only experts who are competent and fully conversant with the situation. In the event of a constructive dialogue, the format and level of meetings could be higher in the future.

The next stage in this regard could be the holding of a special meeting of the United Nations Security Council, which, as was noted above, would be a preliminary step towards the adoption by the international community of large-scale and comprehensive measures to resolve the situation in Afghanistan and would allow a United Nations conception of this problem to be developed.

It is clear that the holding of meetings at different levels can yield practical results only if there is a constructive atmosphere characterized by a serious attitude towards the Afghan problem and provided that the interested countries, having abandoned their geopolitical ambitions, cease providing military and material assistance to the warring Afghan groups, lay their cards on the table, work out common approaches to resolving the situation in Afghanistan and, as a first step, immediately set about forcing the warring Afghan groups to sit down at the negotiating table without any preconditions.

Notwithstanding that the belligerent parties are counting on settling the conflict by force, which involves their rejection of any peace initiative proposed by the interested States, there is, nevertheless, a need to make use of their dependence on outside sources for their military potential. Otherwise, peace conferences and meetings devoted to considering the situation in Afghanistan will prove to be ineffective and will be incapable of having a positive effect on the process of seeking a peaceful settlement.

Ministry of Foreign Affairs of the Republic of Kazakhstan

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(*Signed*) Madina B. **Jarbussynova**
Permanent Representative of the
Republic of Kazakhstan to the United Nations

* Reissued for technical reasons.

01-35361* (E) 140501 140501

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The ongoing war, the transformation of Afghanistan into one of the largest world centres for the production and export of narcotic drugs, the concentration in that country of an enormous amount of weapons, and the existence of centres for training terrorist groups are contributing to the increase in tension in the region and represent a real threat to the stability and security of Central Asia and the entire world community.

At the same time, it should be recognized that the lack of positive results in bringing about an Afghan settlement is linked to the determination of the warring Afghan sides to settle the conflict solely by military means and also the unwillingness of the States concerned to abandon their geopolitical ambitions and to address the Afghan problem in real earnest. The trend towards an escalation of the military and political situation in Afghanistan as well as the instances in which military and other assistance has been provided to the warring Afghan groups by individual States in the region are evidence of this.

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Kazakhstan views such a meeting not as a single act. It is clear that such a highly complicated problem as Afghanistan cannot be solved by simply holding a meeting, even of such an elevated forum as the United Nations Security Council. We

consider the convening of a special meeting of the Security Council on the situation in Afghanistan as a preliminary step leading to the beginning of a process in which the international community takes a number of large-scale, comprehensive political, economic and humanitarian measures. In our opinion, such a meeting would enable the countries concerned to take a new look at the Afghan problem, highlight the defects and shortcomings of what has been done by the international community, and also indicate further possibilities for ensuring that the process of resolving the situation in Afghanistan is carried out through peaceful means. It is important for this process to be conducted with the strict and ongoing monitoring of the Security Council. This will be a serious signal for all Afghan groups that the world community, under the auspices of the United Nations, intends to deal comprehensively and in real earnest with the Afghan problem until it is completely solved. This will also demonstrate the firm intention of the community of nations to allocate the necessary economic and financial resources for these purposes.

In our view, good political will on the part of all participants in the peace process is a mandatory requirement for creating a constructive atmosphere at such a meeting. Otherwise, any attempts by the international community to settle the conflict will meet with failure.

2. Kazakhstan considers that the efforts by States must be aimed at instilling in the Afghan people hope that the world community will be able to provide large-scale assistance in restoring the economy of Afghanistan, which has been destroyed by war. It is, therefore, extremely important that the neighbouring countries and interested countries strictly adhere to the principles set forth in the Tashkent Declaration on the results of the meeting of the six-plus-two group, which calls upon the neighbouring countries of Afghanistan that are members of the group to prohibit the transit through their territory of military, technical and material assistance for the warring Afghan groups.

3. Kazakhstan believes that individual measures — either an embargo on the delivery of weapons or sporadic actions to combat drug trafficking — will not have a long-term effect. These measures must become an integral part of a general plan for the economic rehabilitation of Afghanistan, which, together with an immediate ceasefire between the warring Afghan groups and the provision of international economic assistance, would include such elements as using the potential of Afghanistan's economic, political and intellectual elite which has emigrated from the country, establishing a system of State administration, reviving the ability of the peoples of Afghanistan to deal with their own problems, and solving the problems related to education, health care and restoring the historical and cultural heritage.

Accordingly, considering that Afghanistan at the current time has become a transitional political entity whose fate practically depends entirely on the correlation of interests and the degree to which foreign political figures are involved in its affairs, Kazakhstan believes that all interested States, including the member countries of the six-plus-two group (China, the Islamic Republic of Iran, Uzbekistan, Pakistan, Turkmenistan and Tajikistan plus the United States of America and the Russian Federation), the States members of the European Union (first and foremost, Germany, France, the United Kingdom of Great Britain and Northern Ireland, Italy and Sweden), a number of countries from the Asia region (Japan, Turkey, Malaysia, Indonesia and India), the group of Arab States (first of all,

Saudi Arabia and Egypt), other countries from the Central Asian region (including Kazakhstan and Kyrgyzstan), the international financial institutions and the United Nations specialized agencies, funds and programmes (the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the World Health Organization and so forth), and also other regional and international organizations, including the Organization of the Islamic Conference and the Organization for Economic Cooperation, must be actively involved in this peace process.

Furthermore, taking into account the international community's lack of a complete picture as to what is happening in Afghanistan, it is also necessary to use the mechanisms of the Rome, Bonn, Cyprus peace groups and other Afghan public organizations situated abroad in order to unify the database on Afghanistan and have a positive effect on the process of reactivating negotiations between the warring Afghan groups and of establishing a highly responsible Government in the future.

We welcome overall the idea of holding in Afghanistan a meeting of the *Loya Jirga*, the Council of Elders of the Afghan tribes, which in the past played an important role in the life of Afghan society and fulfilled the function of a body that regulated relations between the various tribes of the country. At the same time, this initiative should be developed in isolation from and independent of any narrow political, national or other interests on the part of the States involved in the peace process and interested States.

Obtaining a complete picture and information with regard to Afghanistan and the processes, measures, groups and so forth that are influencing the situation in the country is a most important task. Carrying out this task will enable the world community to work out adequate measures based on the real state of affairs. It is obvious that such a database must be concentrated in the United Nations.

4. Kazakhstan is firmly convinced that all international efforts to resolve the situation in Afghanistan must be conducted under the auspices of the United Nations, which is an impartial mediator in the process of achieving peace and national harmony in Afghanistan. In this connection, Kazakhstan fully supports the efforts of the Special Representative of the Secretary-General for Afghanistan, Mr. F. Vendrell, and the activities of the United Nations Special Mission to Afghanistan and is ready to continue to provide them with the necessary assistance.

Kazakhstan believes, in this connection, that in order to achieve positive and practical results in resolving the situation in Afghanistan, the activities of the Special Mission and the six-plus-two group must be aimed at addressing the issues relating to openness and a readiness to take the initiative in their work, an adequate assessment of the military and political situation developing in the country, and devising a clear United Nations strategy with respect to the principles, means and forms of the Afghan settlement.

Today's realities require the international community to find new approaches to the assessment of the military and political situation and the geopolitical situation in the Central and South Asian region and develop an essentially new conception of the Afghan settlement, which must reflect the main causes of the conflict in Afghanistan, identify the internal and external forces supporting the warring parties and consider the possible consequences of the confrontation on a regional and international scale. Such a conception must include a programme, forms and

mechanisms for international intervention and the mobilization of financial and material resources.

It must include, if necessary, time limits for conducting peacemaking activities aimed at pushing the warring parties towards peace and measures for exerting influence on violators of the rules established for the period of the international community's intervention. There can be no doubt that, until such measures are adopted, interested countries must bring strong pressure to bear on the Afghan groups and factions under their control to force them to sit down at the negotiating table without any preconditions.

We are strongly convinced that it must be in the interest of the international community to have at the helm in Afghanistan a multi-ethnic, broadly representative and responsible Government that would fully guarantee internal security and stability, control the processes of the internal reconstruction and development of all spheres of life in Afghanistan and also ensure the conduct of a highly responsible foreign policy within the framework of a civilized dialogue with all countries on the basis of generally recognized international norms.

What Afghanistan will be — an Islamic or a secular State — is, in the final analysis, for Afghans themselves to decide. They must elect a government in the country without intrigues or outside interference. In pursuing such a policy, the international community must not show preference to one or other faction or group in Afghanistan, but instead should create the most favourable possible external conditions for launching a broad and comprehensive national dialogue in Afghanistan on the basis of the clear prospects of an all-round plan for the political, social and economic rehabilitation of Afghanistan.

5. While it welcomes overall the activities of the Afghanistan sanctions committee, Kazakhstan also supports a carefully thought out approach to the issue of introducing additional measures against the Afghan group known as the Taliban movement. Kazakhstan believes that sanctions, introduced as a necessary measure, must be justified by their ends. Precisely for that reason, the Security Council, before adopting additional measures, must carefully evaluate the impact of the sanctions currently in force on all aspects of resolving the situation in Afghanistan, and, first and foremost, their unintended consequences for the civilian population.

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The Taliban's lack of official recognition must not be an obstacle to establishing contacts with the movement, which constitutes a real political force in Afghanistan and an integral or, in any case, a potential element of any future plan for the internal political reconstruction of the country. In this context, it makes sense to establish a direct dialogue with the Taliban at both the bilateral and multilateral levels, with mandatory observance of the international sanctions currently in force and the moratorium on official diplomatic recognition, which can be lifted only in exchange for flexibility on the part of Taliban with regard to fulfilling the demands of the international community. As stated above, all factors of political influence must be brought into play to that end, with the involvement of the aforementioned countries and organizations and of Afghan emigrés. The Taliban must see clearly and realize the advantages and prospects of cooperating with the international community and securing from it the necessary guarantees. The establishment of a dialogue precisely on this basis will, in our opinion, help to overcome the deadlock in dealing with the Afghan problem.

7. An analysis of the activities of the world's leading mass media shows that, as a result of the information vacuum that has formed around Afghanistan, the resources of the international community are being spent to address problems in other regions of the world, which are being given priority based on the political and economic interests of the key Powers. Kazakhstan wishes to emphasize, in this connection, the importance of filling this vacuum and actively moving the Afghan problem into the focus of the international community's attention through the world's leading mass media. The presentation of this problem must be balanced and show the unanimous desire of the world community to achieve the earliest possible settlement of the conflict, without a hint of preference for one group or another in Afghanistan. In other words, information on Afghanistan must be as objective as possible. The United Nations Department of Public Information must play its part in this area, as must the information agencies under its control, by developing an image strategy for drawing the attention of the international community to the problems of Afghanistan and accurate and regular reporting on the events taking place in that country.

8. Kazakhstan, in an expression of its good will, is prepared to assist as a mediator in reactivating the negotiating process. We are ready, in this connection, to organize a round of peace talks between the warring Afghan groups in Almaty. In making this proposal, Kazakhstan is not pursuing any political ambitions, nor has it any intention of competing with other States on this issue.

Kazakhstan does not aspire to leadership in the Afghan peace process and considers that such talks can take place in any State acceptable to the parties to the negotiations. The main criterion must be the agreement of the warring Afghan groups, in principle, to sit down at the negotiating table without preconditions and with a clearly agreed agenda for the talks.

Kazakhstan is also putting forward for discussion the idea of holding a high-level meeting of States and groups with real influence on the situation in Afghanistan for the purpose of discussing the regional situation. We believe that the most important condition for creating a constructive atmosphere of trust at such a meeting has to be an informal and open exchange of views on the whole range of

problems relating to Afghanistan, with no rigid agenda and without the adoption of any final documents or political or other statements on the issues discussed. We are prepared to hold such a meeting in Almaty. The rank of the participants in the meeting could initially be fixed at the level of experts, but only experts who are competent and fully conversant with the situation. In the event of a constructive dialogue, the format and level of meetings could be higher in the future.

The next stage in this regard could be the holding of a special meeting of the United Nations Security Council, which, as was noted above, would be a preliminary step towards the adoption by the international community of large-scale and comprehensive measures to resolve the situation in Afghanistan and would allow a United Nations conception of this problem to be developed.

It is clear that the holding of meetings at different levels can yield practical results only if there is a constructive atmosphere characterized by a serious attitude towards the Afghan problem and provided that the interested countries, having abandoned their geopolitical ambitions, cease providing military and material assistance to the warring Afghan groups, lay their cards on the table, work out common approaches to resolving the situation in Afghanistan and, as a first step, immediately set about forcing the warring Afghan groups to sit down at the negotiating table without any preconditions.

Notwithstanding that the belligerent parties are counting on settling the conflict by force, which involves their rejection of any peace initiative proposed by the interested States, there is, nevertheless, a need to make use of their dependence on outside sources for their military potential. Otherwise, peace conferences and meetings devoted to considering the situation in Afghanistan will prove to be ineffective and will be incapable of having a positive effect on the process of seeking a peaceful settlement.

Ministry of Foreign Affairs of the Republic of Kazakhstan

United Nations A/55/916**-S/2001/419**

General Assembly
Security Council

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General Assembly
Fifty-fifth session
Agenda items 20 (d) and 46

Security Council
Fifty-sixth year

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan

The situation in Afghanistan and its implications for international peace and security

Letter dated 26 April 2001 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith a document entitled "The conceptual approaches of Kazakhstan to resolving the situation in Afghanistan" (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as an official document of the Security Council and of the General Assembly, under agenda items 20 (d) and 46 of its fifty-fifth session.

(*Signed*) Madina B. **Jarbussynova**
Permanent Representative of the
Republic of Kazakhstan to the United Nations

** Second reissued for technical reasons.

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Annex to the letter dated 26 April 2001 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General

The conceptual approaches of Kazakhstan to resolving the situation in Afghanistan

An analysis of the situation that is developing in Afghanistan shows that it is continuing to remain complicated and unpredictable, that there has been no significant progress in settling the conflict, and that the efforts made by the United Nations, the Organization of the Islamic Conference (OIC) and other interested countries have not led to the desired results.

The ongoing war, the transformation of Afghanistan into one of the largest world centres for the production and export of narcotic drugs, the concentration in that country of an enormous amount of weapons, and the existence of centres for training terrorist groups are contributing to the increase in tension in the region and represent a real threat to the stability and security of Central Asia and the entire world community.

At the same time, it should be recognized that the lack of positive results in bringing about an Afghan settlement is linked to the determination of the warring Afghan sides to settle the conflict solely by military means and also the unwillingness of the States concerned, by abandoning their geopolitical ambitions, to address the Afghan problem in real earnest. The trend towards an escalation of the military and political situation in Afghanistan as well as the instances in which military and other assistance has been provided to the warring Afghan groups by individual States in the region are evidence of this.

In this connection, Kazakhstan bases its position on the following conceptual approaches to resolving the situation in Afghanistan.

1. Kazakhstan fully supports the Secretary-General's position with regard to Afghanistan that the incursions in 1999 and 2000 by Islamic fighters into the territory of Central Asian countries once again underscore the danger of the spread of a conflict and the need for a comprehensive rather than a piecemeal approach to settling the Afghan crisis.

In this connection, Kazakhstan advocates the strict implementation of the General Assembly and Security Council resolutions on Afghanistan as well as the statements by the President of the Security Council on the situation in Afghanistan demanding the non-interference in its internal affairs and the halting of the delivery of weapons to the warring Afghan groups.

Concerned about this state of affairs, the President of Kazakhstan, N. A. Nazarbayev, during the Millennium Summit of the United Nations in September 2000, called for the convening of a special meeting of the Security Council devoted to a consideration of the situation in Afghanistan and Central Asia in order to develop practical measures for stabilizing it.

Kazakhstan views such a meeting not as a single act. It is clear that such a highly complicated problem as Afghanistan cannot be solved by simply holding a meeting, even of such an elevated forum as the United Nations Security Council. We

Saudi Arabia and Egypt), other countries from the Central Asian region (including Kazakhstan and Kyrgyzstan), the international financial institutions and the United Nations specialized agencies, funds and programmes (the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the World Health Organization and so forth), and also other regional and international organizations, including the Organization of the Islamic Conference and the Organization for Economic Cooperation, should be actively involved in the peace process.

Furthermore, taking into account the international community's lack of a complete picture as to what is happening in Afghanistan, it is also necessary to use the mechanisms of the Rome, Bonn, Cyprus peace groups and other Afghan public organizations situated abroad in order to unify the database on Afghanistan and have a positive effect on the process of reactivating negotiations between the warring Afghan groups and of establishing a highly responsible Government in the future.

We welcome overall the idea of holding in Afghanistan a meeting of the *Loya Jirga*, the Council of Elders of the Afghan tribes, which in the past played an important role in the life of Afghan society and fulfilled the function of a body that regulated relations between the various tribes of the country. At the same time, this initiative should be developed in isolation from and independent of any narrow political, national or other interests on the part of the States involved in the peace process and interested States.

Obtaining a complete picture and information with regard to Afghanistan and the processes, measures, groups and so forth that are influencing the situation in the country is a most important task. Carrying out this task will enable the world community to work out adequate measures based on the real state of affairs. It is obvious that such a database must be concentrated in the United Nations.

4. Kazakhstan is firmly convinced that all international efforts to resolve the situation in Afghanistan must be conducted under the auspices of the United Nations, which is an impartial mediator in the process of achieving peace and national harmony in Afghanistan. In this connection, Kazakhstan fully supports the efforts of the Special Representative of the Secretary-General for Afghanistan, Mr. F. Vendrell, and the activities of the United Nations Special Mission to Afghanistan and is ready to continue to provide them with the necessary assistance.

Kazakhstan believes, in this connection, that in order to achieve positive and practical results in resolving the situation in Afghanistan, the activities of the Special Mission and the six-plus-two group must be aimed at addressing the issues relating to openness and a readiness to take the initiative in their work, an adequate assessment of the military and political situation developing in the country, and devising a clear United Nations strategy with respect to the principles, means and forms of the Afghan settlement.

Today's realities require the international community to find new approaches to the assessment of the military and political situation and the geopolitical situation in the Central and South Asian region and develop an essentially new concept of the Afghan settlement, which must reflect the main causes of the conflict in Afghanistan, identify the internal and external forces supporting the warring parties and consider the possible consequences of the confrontation on a regional and international scale. Such a concept must include a programme, forms and

mechanisms for international intervention and the mobilization of financial and material resources.

It must include, if necessary, time limits for conducting peacemaking activities aimed at enforcing peace between the parties and measures for exerting influence on violators of the rules established for the period of the international community's intervention. There can be no doubt that, until such measures are adopted, interested countries must bring strong pressure to bear on the Afghan groups and factions under their control to force them to sit down at the negotiating table without any preconditions.

We are strongly convinced that it must be in the interest of the international community to have at the helm in Afghanistan a multi-ethnic, broadly representative and responsible Government that would fully guarantee internal security and stability, control the processes of the internal reconstruction and development of all spheres of life in Afghanistan and also ensure the conduct of a highly responsible foreign policy within the framework of a civilized dialogue with all countries on the basis of generally recognized international norms.

What Afghanistan will be — an Islamic or a secular State — is, in the final analysis, for Afghans themselves to decide. They must elect a government in the country without intrigues or outside interference. In pursuing such a policy, the international community must not show preference to one or other faction or group in Afghanistan, but instead should create the most favourable possible external conditions for launching a broad and comprehensive national dialogue in Afghanistan on the basis of the clear prospects of an all-round plan for the political, social and economic rehabilitation of Afghanistan.

5. While it welcomes overall the activities of the Afghanistan sanctions committee, Kazakhstan also supports a carefully thought out approach to the issue of introducing additional measures against the Afghan group known as the Taliban movement. Kazakhstan believes that sanctions, introduced as a necessary measure, must be justified by their ends. Precisely for that reason, the Security Council, before adopting additional measures, must carefully evaluate the impact of the sanctions currently in force on all aspects of resolving the situation in Afghanistan, and, first and foremost, their unintended consequences for the civilian population.

Experience shows that imposing tougher sanctions against the Taliban adversely affects the negotiating process and complicates the prospects for an intra-Afghan dialogue under United Nations auspices.

6. In future, Kazakhstan is ready to officially recognize a Government of Afghanistan that will be capable of truly uniting the Afghan people around it, ensuring respect for the rights and freedoms of all the nationalities in Afghanistan, addressing the country's internal problems responsibly and conducting a peaceful foreign policy.

Kazakhstan has no preconceived attitude towards any group or faction in Afghanistan. The coming to power in Afghanistan of the Taliban or their adversaries will not signify the arrival of the long-awaited peace in that country.

At the present time, however, more than 90 per cent of the country is formally under Taliban control. In this situation, it would be preferable to gradually move away from refusing all contact with them and to establish contacts with the

movement's leaders with a view to the possibility of convincing them to set about forming a responsible Government.

The Taliban's lack of official recognition must not be an obstacle to establishing contacts with the movement, which constitutes a real political force in Afghanistan and an integral or, in any case, a potential element of any future plan for the internal political restructuring of the country. In this context, it makes sense to establish a direct dialogue with the Taliban at both the bilateral and multilateral levels, with mandatory observance of the international sanctions currently in force and the moratorium on official diplomatic recognition, which can be lifted only in exchange for flexibility on the part of Taliban with regard to fulfilling the demands of the international community. As stated above, all factors of political influence must be brought into play to that end, with the involvement of the aforementioned countries and organizations and of Afghan émigrés. The Taliban must see clearly and realize the advantages and prospects of cooperating with the international community and securing from it the necessary guarantees. The establishment of a dialogue precisely on this basis will, in our opinion, help to overcome the deadlock in dealing with the Afghan problem.

7. An analysis of the activities of the world's leading mass media shows that, as a result of the information vacuum that has formed around Afghanistan, the resources of the international community are being spent to address problems in other regions of the world, which are being given priority based on the political and economic interests of the key Powers. Kazakhstan wishes to emphasize, in this connection, the importance of filling this vacuum and actively moving the Afghan problem into the focus of the international community's attention through the world's leading mass media. The presentation of this problem must be balanced and show the unanimous desire of the world community to achieve the earliest possible settlement of the conflict, without a hint of preference for one group or another in Afghanistan. In other words, information on Afghanistan must be as objective as possible. The United Nations Department of Public Information must play its part in this area, as well as the information agencies, by developing an image strategy for drawing the attention of the international community to the problems of Afghanistan and accurate and regular reporting on the events taking place in that country.

8. Kazakhstan, in an expression of its good will, is prepared to assist as a mediator in reactivating the negotiating process. We are ready, in this connection, to organize a round of peace talks between the warring Afghan groups in Almaty. In making this proposal, Kazakhstan is not pursuing any political ambitions, nor has it any intention of competing with other States on this issue.

Kazakhstan does not aspire to leadership in the Afghan peace process and considers that such talks can take place in any State acceptable to the parties to the negotiations. The main criterion must be the agreement of the warring Afghan groups, in principle, to sit down at the negotiating table without preconditions and with a clearly agreed agenda for the talks.

Kazakhstan is also putting forward for discussion the idea of holding a high-level meeting of States and groups with real influence on the situation in Afghanistan for the purpose of discussing the regional situation. We believe that the most important condition for creating a constructive atmosphere of trust at such a meeting has to be an informal and open exchange of views on the whole range of problems relating to Afghanistan, with no rigid agenda and without the adoption of

any final documents or political or other statements on the issues discussed. We are prepared to hold such a meeting in Almaty. The rank of the participants in the meeting could initially be fixed at the level of experts, but only experts who are competent and fully conversant with the situation. In the event of a constructive dialogue, the format and level of meetings could be higher in the future.

The next stage in this regard could be the holding of a special meeting of the United Nations Security Council, which, as was noted above, would be a preliminary step towards the adoption by the international community of large-scale and comprehensive measures to resolve the situation in Afghanistan and would allow a United Nations concept of this problem to be developed.

It is clear that the holding of meetings at different levels can yield practical results only if there is a constructive atmosphere characterized by a serious attitude towards the Afghan problem and provided that the interested countries, by abandoning their geopolitical ambitions, cease providing military and material assistance to the warring Afghan groups, lay their cards on the table, work out common approaches to resolving the situation in Afghanistan and, as a first step, immediately set about forcing the warring Afghan groups to sit down at the negotiating table without any preconditions.

Notwithstanding that the belligerent parties are counting on settling the conflict by force, which involves their rejection of any peace initiative proposed by the interested States, there is, nevertheless, a need to make use of their dependence on outside sources for their military potential. Otherwise, peace conferences and meetings devoted to considering the situation in Afghanistan will prove to be ineffective and will be incapable of having a positive effect on the process of seeking a peaceful settlement.

Ministry of Foreign Affairs of the Republic of Kazakhstan

United Nations A/55/917

General Assembly

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Fifty-fifth session
Agenda item 166
Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Letter dated 27 April 2001 from the President of the Security Council addressed to the President of the General Assembly

I have the honour to transmit the text of resolution 1350 (2001), adopted unanimously by the Security Council at its 4316th meeting, held on 27 April 2001.

Resolution 1350 (2001) reads as follows:

"*The Security Council*,

"*Recalling* its resolutions 808 (1993) of 22 February 1993, 827 (1993) of 25 May 1993, 1166 (1998) of 13 May 1998 and 1329 (2000) of 30 November 2000,

"*Having decided* to consider the nominations for ad litem judges of the International Tribunal for the Former Yugoslavia received by the Secretary-General,

"*Forwards* the following nominations to the General Assembly in accordance with article 13 ter (1) (d) of the Statute of the International Tribunal:

Mr. Aydin Sefa **Akay** (Turkey)

Ms. Carmen María **Argibay** (Argentina)

Ms. Lucy **Asuagbor** (Cameroon)

Mr. Jeremy **Badgery-Parker** (Australia)

Mr. Chifumu Kingdom **Banda** (Zambia)

Mr. Roberto **Bellelli** (Italy)

Mr. Pierre G. **Boutet** (Canada)

Mr. Hans Henrik **Brydensholt** (Denmark)

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Mr. Guibril **Camara** (Senegal)

Mr. Joaquin Martin **Canivell** (Spain)

Mr. Romeo T. **Capulong** (Philippines)

Mr. Oscar **Ceville** (Panama)

Mr. Isaac Chibulu Tantameni **Chali** (Zambia)

Mr. Arthur **Chaskalson** (South Africa)

Ms. Maureen Harding **Clark** (Ireland)

Ms. Fatoumata **Diarra** (Mali)

Mr. Cenk Alp **Durak** (Turkey)

Mr. Moïse **Ebongue** (Cameroon)

Mr. Mathew **Epuli** (Cameroon)

Mr. Albin **Eser** (Germany)

Mr. Mohamed Al Habib Fassi **Fihri** (Morocco)

Mr. John Foster **Gallop** (Australia)

Mr. Joseph Nassif **Ghamroun** (Lebanon)

Mr. Michael **Grotz** (Germany)

Mr. Abdullah Mahamane **Haidara** (Mali)

Mr. Claude **Hanoteau** (France)

Mr. Hassan Bubacarr **Jallow** (Gambia)

Ms. Ivana **Janů** (Czech Republic)

Mr. Aykut **Killiç** (Turkey)

Ms. Flavia **Lattanzi** (Italy)

Mr. Per-Johan **Lindholm** (Finland)

Mr. Augustin P. **Lobejón** (Spain)

Mr. Diadié Issa **Maiga** (Mali)

Ms. Irene Chirwa **Mambilima** (Zambia)

Mr. Dick F. **Marty** (Switzerland)

Ms. Jane Hamilton **Mathews** (Australia)

Ms. Suzanne Mengue **Zomo** (Cameroon)

Mr. Ghulam Mujaddid **Mirza** (Pakistan)

Mr. Ahmad Aref **Moallem** (Lebanon)

Mr. Mphanza Patrick **Mvunga** (Zambia)

Mr. Rafael **Nieto-Navia** (Colombia)

Mr. Léopold **Ntahompagaze** (Burundi)

Mr. André **Ntahomvukiye** (Burundi)

Mr. Cesar Pereira **Burgos** (Panama)

Mr. Mauro **Politi** (Italy)

Ms. Vonimbolana **Rasoazanany** (Madagascar)

Mr. Ralph **Riachy** (Lebanon)

Mr. Ingo **Risch** (Germany)

Mr. Robert **Roth** (Switzerland)

Mr. Zacharie **Rwamaza** (Burundi)

Mr. Sourahata Babouccar **Semega-Janneh** (Gambia)

Mr. Tom Farquhar **Shepherdson** (Australia)

Mr. Amarjeet **Singh** (Singapore)

Ms. Ayla **Songor** (Turkey)

Mr. Albertus Henricus Joannes **Swart** (Netherlands)

Mr. György **Szénási** (Hungary)

Mr. Ahmad **Takkieddine** (Lebanon)

Mr. Chikako **Taya** (Japan)

Mr. Krister **Thelin** (Sweden)

Mr. Stefan **Trechsel** (Switzerland)

Ms. Christine Van Den **Wyngaert** (Belgium)

Mr. Volodymyr **Vassylenko** (Ukraine)

Mr. Lal Chand **Vohrah** (Malaysia)

Ms. Sharon A. **Williams** (Canada)"

(*Signed*) Jeremy **Greenstock**
President of the Security Council

United Nations A/55/917*

General Assembly

Distr.: General
8 May 2001

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Fifty-fifth session
Agenda item 166
Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Letter dated 27 April 2001 from the President of the Security Council addressed to the President of the General Assembly

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Resolution 1350 (2001) reads as follows:

"*The Security Council*,

"*Recalling* its resolutions 808 (1993) of 22 February 1993, 827 (1993) of 25 May 1993, 1166 (1998) of 13 May 1998 and 1329 (2000) of 30 November 2000,

"*Having decided* to consider the nominations for ad litem judges of the International Tribunal for the Former Yugoslavia received by the Secretary-General,

"*Forwards* the following nominations to the General Assembly in accordance with article 13 ter (1) (d) of the Statute of the International Tribunal:

Mr. Aydin Sefa **Akay** (Turkey)

Ms. Carmen María **Argibay** (Argentina)

Ms. Lucy **Asuagbor** (Cameroon)

Mr. Jeremy **Badgery-Parker** (Australia)

Mr. Chifumu Kingdom **Banda** (Zambia)

Mr. Roberto **Bellelli** (Italy)

Mr. Pierre G. **Boutet** (Canada)

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* Reissued for technical reasons.

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Mr. Hans Henrik **Brydensholt** (Denmark)

Mr. Guibril **Camara** (Senegal)

Mr. Joaquin Martin **Canivell** (Spain)

Mr. Romeo T. **Capulong** (Philippines)

Mr. Oscar **Ceville** (Panama)

Mr. Isaac Chibulu Tantameni **Chali** (Zambia)

Mr. Arthur **Chaskalson** (South Africa)

Ms. Maureen Harding **Clark** (Ireland)

Ms. Fatoumata **Diarra** (Mali)

Mr. Cenk Alp **Durak** (Turkey)

Mr. Moïse **Ebongue** (Cameroon)

Mr. Mathew **Epuli** (Cameroon)

Mr. Albin **Eser** (Germany)

Mr. Mohamed Al Habib **Fassi Fihri** (Morocco)

Mr. John Foster **Gallop** (Australia)

Mr. Joseph Nassif **Ghamroun** (Lebanon)

Mr. Michael **Grotz** (Germany)

Mr. Abdullah Mahamane **Haidara** (Mali)

Mr. Claude **Hanoteau** (France)

Mr. Hassan Bubacarr **Jallow** (Gambia)

Ms. Ivana **Janů** (Czech Republic)

Mr. Aykut **Kiliç** (Turkey)

Ms. Flavia **Lattanzi** (Italy)

Mr. Per-Johan **Lindholm** (Finland)

Mr. Augustin P. **Lobejón** (Spain)

Mr. Diadié Issa **Maiga** (Mali)

Ms. Irene Chirwa **Mambilima** (Zambia)

Mr. Dick F. **Marty** (Switzerland)

Ms. Jane Hamilton **Mathews** (Australia)

Ms. Suzanne **Mengue Zomo** (Cameroon)

Mr. Ghulam Mujaddid **Mirza** (Pakistan)

Mr. Ahmad Aref **Moallem** (Lebanon)

Mr. Mphanza Patrick **Mvunga** (Zambia)

Mr. Rafael **Nieto-Navia** (Colombia)

Mr. Léopold **Ntahompagaze** (Burundi)

Mr. André **Ntahomvukiye** (Burundi)

Mr. Cesar **Pereira Burgos** (Panama)

Mr. Mauro **Politi** (Italy)

Ms. Vonimbolana **Rasoazananay** (Madagascar)

Mr. Ralph **Riachy** (Lebanon)

Mr. Ingo **Risch** (Germany)

Mr. Robert **Roth** (Switzerland)

Mr. Zacharie **Rwamaza** (Burundi)

Mr. Sourahata Babouccar **Semega-Janneh** (Gambia)

Mr. Tom Farquhar **Shepherdson** (Australia)

Mr. Amarjeet **Singh** (Singapore)

Ms. Ayla **Songor** (Turkey)

Mr. Albertus Henricus Joannes **Swart** (Netherlands)

Mr. György **Szénási** (Hungary)

Mr. Ahmad **Takkieddine** (Lebanon)

Ms. Chikako **Taya** (Japan)

Mr. Krister **Thelin** (Sweden)

Mr. Stefan **Trechsel** (Switzerland)

Ms. Christine **Van Den Wyngaert** (Belgium)

Mr. Volodymyr **Vassylenko** (Ukraine)

Mr. Lal Chand **Vohrah** (Malaysia)

Ms. Sharon A. **Williams** (Canada)"

(*Signed*) Jeremy **Greenstock**
President of the Security Council

United Nations A/55/918

General Assembly

Distr.: General
27 April 2001

Original: English

Fifty-fifth session
Agenda item 166

Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Memorandum by the Secretary-General

Introduction

1. By its resolution 827 (1993) of 25 May 1993, the Security Council decided to establish an international tribunal for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991 ("International Tribunal") and adopt the Statute of the International Tribunal annexed to the Secretary-General's report prepared pursuant to Security Council resolution 808 (1993) of 22 February 1993.

2. By its resolution 1329 (2000) of 30 November 2000, the Security Council decided to establish a pool of ad litem judges in the International Tribunal. To that end, it decided to amend articles 12, 13 and 14 of the Statute of the International Tribunal and to replace those articles with the provisions set out in annex I to that resolution. The Security Council also requested the Secretary-General to make practical arrangements for the election as soon as possible of 27 ad litem judges in accordance with article 13 ter of the Statute of the International Tribunal, as so amended.

3. Pursuant to what is now article 13 ter, paragraph 1 (a), of the Statute of the International Tribunal, following the amendments that were introduced by the Security Council in resolution 1329 (2000), the Legal Counsel, on behalf of the Secretary-General, invited, by circular letter of 15 February 2001, all States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters to submit their nominations for ad litem judges of the International Tribunal. In accordance with article 13 ter, paragraph 1 (b), of the Statute, as so amended, each State was invited to nominate, within 60 days of the date of the invitation, up to four candidates. The Legal

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Counsel informed States that, should they decide to nominate two or more candidates, then they were at liberty, should they wish to do so, to nominate candidates who were of the same nationality as each other. He also informed them that they were at liberty, should they wish to do so, to nominate a candidate or candidates who were of the same nationality as a permanent judge of the International Tribunal. He further advised them that, should they decide to nominate a candidate or candidates, then, in accordance with paragraph 1 (b) of article 13 ter of the Statute of the International Tribunal, they should take into account the importance of a fair representation of female and male candidates.

4. The 60 nominations which had been received by the Secretary-General within the period stipulated in paragraph 1 (b) of article 13 ter of the Statute of the International Tribunal, as amended by the Security Council in resolution 1329 (2000), were forwarded by the Secretary-General to the President of the Security Council, in accordance with paragraph 1 (c) of article 13 ter, as so amended, by means of a letter dated 19 April 2001 (S/2001/391). By means of letters dated 25 and 26 April 2001, the Legal Counsel also forwarded to the President of the Security Council, in case the Council should wish to consider them receivable, four additional nominations which had been received by the Secretary-General following the expiry of the period stipulated in paragraph 1 (b) of article 13 ter of the Statute of the International Tribunal, as amended. At its 4316th meeting, on 27 April 2001, the Security Council, in accordance with paragraph 1 (c) of article 13 ter of the Statute of the International Tribunal, established a list of 64 candidates for transmittal to the General Assembly. The list was adopted by the Council in its resolution 1350 (2001) of 27 April 2001 and was formally conveyed to the President of the General Assembly by means of a letter dated 27 April 2001 from the President of the Security Council (A/55/917).

5. The list of candidates for ad litem judges and the procedure for the election of the ad litem judges of the International Tribunal are set out below. The curricula vitae of the candidates will be transmitted to the General Assembly in a separate document (A/55/919).

I. List of candidates for ad litem judges of the International Tribunal

6. The list of candidates for ad litem judges of the International Tribunal is as follows:

Mr. Aydin Sefa **Akay** (Turkey)

Ms. Carmen María **Argibay** (Argentina)

Ms. Lucy **Asuagbor** (Cameroon)

Mr. Jeremy **Badgery-Parker** (Australia)

Mr. Chifumu Kingdom **Banda** (Zambia)

Mr. Roberto **Bellelli** (Italy)

Mr. Pierre G. **Boutet** (Canada)

Mr. Hans Henrik **Brydensholt** (Denmark)

Mr. Guibril **Camara** (Senegal)

Mr. Joaquin Martin **Canivell** (Spain)

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Mr. Volodymyr **Vassylenko** (Ukraine)

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Ms. Sharon A. **Williams** (Canada)

II. Procedure for the election of ad litem judges

7. The election of ad litem judges will take place in accordance with the following provisions:

(a) Article 13 and article 13 ter of the Statute of the International Tribunal, as amended by Security Council resolution 1329 (2000) of 30 November 2000;

(b) Given the similar nature of the election of judges of the International Court of Justice and the election of judges of the International Tribunal, it was decided at the time of the previous elections of judges in 1993, 1997, 1998 and 2001 to follow similar election procedures in the General Assembly. The Secretary-General suggests that these precedents be followed and that rule 151 of the rules of procedure of the General Assembly be applied to the election of ad litem judges of the International Tribunal.

8. In accordance with article 13 ter, paragraph 1 (d), of the Statute of the International Tribunal, as amended by the Security Council in its resolution 1329 (2000) of 30 November 2000, the Holy See and Switzerland, being non-member States which maintain permanent observer missions at United Nations Headquarters, will participate in the election in the same manner as the States Members of the United Nations.

9. On the date of the election, the General Assembly will elect 27 ad litem judges from the list of candidates submitted to it by the Security Council.

10. According to article 13 of the Statute of the International Tribunal, as amended, ad litem judges of the Tribunal shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. According to the same provision, due account shall be taken in the overall composition of the Chambers and sections of the Trial Chambers of the International Tribunal of the experience of the judges in criminal law, international law, including international humanitarian law, and human rights law.

11. In accordance with paragraph 1 (d) of article 13 of the Statute of the International Tribunal, as amended, the candidates who receive an absolute majority of the votes of States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters shall be declared elected.

12. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors, whether or not they vote or are allowed to vote. The electors in the General Assembly for current purposes are all 189 Member States, together with the two non-member States mentioned in paragraph 8 above. Accordingly, 96 votes constitutes an absolute majority in the Assembly for the purpose of the present election.

13. Only those candidates whose names appear on the ballot papers are eligible for election. The electors will indicate the candidates for whom they wish to vote by placing crosses against their names on the ballot papers. Each elector may vote in the first ballot for no more than 27 candidates.

14. If, in the first ballot, the number of candidates obtaining an absolute majority is less than 27, a second ballot will be held, and balloting will continue in the same

meeting, if and as necessary, until 27 candidates have obtained an absolute majority. In any second or subsequent ballot, each elector may vote for no more than 27 candidates less the number of candidates who have already obtained an absolute majority.

15. Following the practice in the election of judges of the International Court of Justice, any second and subsequent balloting shall be unrestricted. Votes may accordingly be cast in any second or subsequent ballot for any eligible candidate who has not yet obtained an absolute majority.

16. If, in the first ballot, more than 27 candidates obtain an absolute majority of votes, a second ballot will be held on all candidates, and balloting will continue at the same meeting, if and as necessary, until 27 candidates, and no more, obtain an absolute majority. In any such case, each elector may vote, both in the first ballot and in any subsequent ballot, for 27 candidates.

17. When 27 candidates obtain the required majority, the President of the General Assembly shall declare the candidates concerned elected.

United Nations A/55/918*

General Assembly

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Fifty-fifth session
Agenda item 166

Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Memorandum by the Secretary-General

Introduction

1. By its resolution 827 (1993) of 25 May 1993, the Security Council decided to establish an international tribunal for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991 ("International Tribunal") and adopt the Statute of the International Tribunal annexed to the Secretary-General's report prepared pursuant to Security Council resolution 808 (1993) of 22 February 1993.

2. By its resolution 1329 (2000) of 30 November 2000, the Security Council decided to establish a pool of ad litem judges in the International Tribunal. To that end, it decided to amend articles 12, 13 and 14 of the Statute of the International Tribunal and to replace those articles with the provisions set out in annex I to that resolution. The Security Council also requested the Secretary-General to make practical arrangements for the election as soon as possible of 27 ad litem judges in accordance with article 13 ter of the Statute of the International Tribunal, as so amended.

3. Pursuant to what is now article 13 ter, paragraph 1 (a), of the Statute of the International Tribunal, following the amendments that were introduced by the Security Council in resolution 1329 (2000), the Legal Counsel, on behalf of the Secretary-General, invited, by circular letter of 15 February 2001, all States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters to submit their nominations for ad litem judges of the International Tribunal. In accordance with article 13 ter,

* Reissued for technical reasons.

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paragraph 1 (b), of the Statute, as so amended, each State was invited to nominate, within 60 days of the date of the invitation, up to four candidates. The Legal Counsel informed States that, should they decide to nominate two or more candidates, then they were at liberty, should they wish to do so, to nominate candidates who were of the same nationality as each other. He also informed them that they were at liberty, should they wish to do so, to nominate a candidate or candidates who were of the same nationality as a permanent judge of the International Tribunal. He further advised them that, should they decide to nominate a candidate or candidates, then, in accordance with paragraph 1 (b) of article 13 ter of the Statute of the International Tribunal, they should take into account the importance of a fair representation of female and male candidates.

4. The 60 nominations which had been received by the Secretary-General within the period stipulated in paragraph 1 (b) of article 13 ter of the Statute of the International Tribunal, as amended by the Security Council in resolution 1329 (2000), were forwarded by the Secretary-General to the President of the Security Council, in accordance with paragraph 1 (c) of article 13 ter, as so amended, by means of a letter dated 19 April 2001 (S/2001/391). By means of letters dated 25 and 26 April 2001, the Legal Counsel also forwarded to the President of the Security Council, in case the Council should wish to consider them receivable, four additional nominations which had been received by the Secretary-General following the expiry of the period stipulated in paragraph 1 (b) of article 13 ter of the Statute of the International Tribunal, as amended. At its 4316th meeting, on 27 April 2001, the Security Council, in accordance with paragraph 1 (c) of article 13 ter of the Statute of the International Tribunal, established a list of 64 candidates for transmittal to the General Assembly. The list was adopted by the Council in its resolution 1350 (2001) of 27 April 2001 and was formally conveyed to the President of the General Assembly by means of a letter dated 27 April 2001 from the President of the Security Council (A/55/917).

5. The list of candidates for ad litem judges and the procedure for the election of the ad litem judges of the International Tribunal are set out below. The curricula vitae of the candidates will be transmitted to the General Assembly in a separate document (A/55/919).

I. List of candidates for ad litem judges of the International Tribunal

6. The list of candidates for ad litem judges of the International Tribunal is as follows:

Mr. Aydin Sefa **Akay** (Turkey)

Ms. Carmen María **Argibay** (Argentina)

Ms. Lucy **Asuagbor** (Cameroon)

Mr. Jeremy **Badgery-Parker** (Australia)

Mr. Chifumu Kingdom **Banda** (Zambia)

Mr. Roberto **Bellelli** (Italy)

Mr. Pierre G. **Boutet** (Canada)

Mr. Hans Henrik **Brydensholt** (Denmark)

Mr. Guibril **Camara** (Senegal)

Mr. Joaquin Martin **Canivell** (Spain)

Mr. Romeo T. **Capulong** (Philippines)

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